



California Fair Political Practices Commission

February 26, 1990

Wallace R. Peck
District Counsel
Jennings, Engstrand and Henrikson
501 West Broadway, Suite 1400
San Diego, CA 92101

Re: Your Request for Advice
Our File No. A-89-710

Dear Mr. Peck:

This is in response to your request for advice regarding the responsibilities of Herbert H. Stickney, member of the board of directors of the Rainbow Municipal Water District under the conflict-of-interest provisions of the Political Reform Act (the "Act").¹

QUESTIONS

- 1) Is Mr. Stickney disqualified from participating in a decision regarding the construction of a sewer line, including a decision relating to connections to such sewer line?
- 2) Is Mr. Stickney disqualified from participating in a decision to permit a private group which will construct the above discussed sewer line to connect with the district's system at a point over one mile away?

CONCLUSIONS

1. Mr. Stickney is disqualified from participating in the decision regarding the construction of the sewer line by the district and connections to the sewer line since the decision will have a reasonably foreseeable effect of more than \$10,000 on Mr. Stickney's property, and such effect is distinguishable from the effect on the public generally.

¹ Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

2. Mr. Stickney is disqualified from participating in the decision to permit a private group to construct the sewer line and connect to the district's sewer system since the decision will have a reasonably foreseeable effect of more than \$10,000 on Mr. Stickney's property, and such effect is distinguishable from the effect on the public generally.

FACTS

Mr. Stickney is one of five elected members of the board of directors of Rainbow Municipal Water District (the "district"), a district formed pursuant to the Municipal Water District Law of 1911, as amended (Division 20 of the Water Code). Each director is elected from a separate division of the district by the voters of that division. Director Stickney represents Division 2.

The district supplies water service throughout its 77.8 square mile territory through over 5,000 meters to approximately 12,000 residents. The district supplies sewer service to only a portion of its territory. About one-third of its water customers receive sewer service from the district. The remaining rely primarily on private septic systems.

In response to requests from certain property owners within Division 2, the board has been asked to consider authorizing the construction of a sewer line to serve about 85 properties which are or may be unable to rely upon septic tanks for sewage disposal.

One of the properties that would be served by the new sewer line would be that of Mr. and Mrs. Ronald P. Thon. The Thons own a home situated on a 2.42 acre parcel of land which has been declared by the County Department of Health Services to be unfit for human habitation due to a defective private sewage disposal system. The proposed district sewer system would allow reoccupation of the house by the Thons.

Director Stickney and his wife own about 5.3 acres of land on which is situated their residence. The boundary of their property is approximately 700 feet from the boundary of the Thons' property, with the two residences being less than 1,000 feet apart. The property of Director Stickney is about 1,200 feet from the proposed location of the sewer pipeline.

The estimated market value of Director Stickney's property is over \$750,000. Director Stickney believes that the ultimate effect of the board's decision upon the fair market value of his property will be to increase or decrease it by at least \$10,000.

In addition, Director Stickney's property currently relies upon a septic tank. If the sewer line is constructed, Director Stickney may be able to utilize it in the future should his septic system become inadequate, thereby affecting the value of his property. At the present time, no such need is apparent.

Moreover, the board has been asked to limit the properties that would be able to connect to the new sewer line. Such a decision could prohibit Director Stickney from connecting his property to the sewer.

ANALYSIS

Section 87100 prohibits any public official from making, participating in, or using his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. An official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official or a member of his immediate family,² or on:

Any real property in which the public official has a direct or indirect interest worth one thousand dollars (\$1,000) or more.

Section 87103.

Mr. Stickney is a public official. (Section 82048.) He has an interest in real property worth more than \$1,000. Accordingly, he is prohibited from participating in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally, on the official or on his real property interest.

Foreseeability

The effects of a decision are reasonably foreseeable if there is a substantial likelihood that they will occur. To be foreseeable, the effects of a decision must be more than a mere possibility; however certainty is not required. (Downey Cares v. Downey Community Development Com. (1987) 196 Cal. App. 3d 983, 989-991; Witt v. Morrow (1977) 70 Cal. App. 3d 817, 822; In re Thorner (1975) 1 FPPC Ops. 198 (copy enclosed).) The Act seeks to prevent more than actual conflicts of interest, it seeks to prevent even the appearance of a possible conflict of interest. (Witt v. Morrow, supra at 823.)

Materiality

Regulation 18702 sets forth the guidelines for determining whether an official's financial interest in a decision is "material" as required by Section 87103. If the official's financial interest is directly involved in the decision, Regulation 18702.1 (copy enclosed) applies to determine materiality. Thus, for example, if Mr. Stickney's property is

² An official's "immediate family" includes his spouse and dependent children. (Section 82029.)

directly involved in a decision before the board because it is one of the properties to be connected to the sewer line, the effect of the decision would be deemed material. If, on the other hand, the official's financial interest is indirectly affected by the decision, such as when the decision concerns sewer connection to neighboring properties but not to Mr. Stickney's property, Regulations 18702.2 through 18702.6 (copies enclosed) would apply to determine whether the effect of the decision is material.

Public Generally

Even if the reasonably foreseeable financial effect of a decision is material, disqualification is required only if the effect is distinguishable from the effect on the public generally. (Section 87100.) For the district, the public consists of all residents of the district. The effect of a decision is distinguishable from the effect on the public generally unless the decision will affect the official's interest in substantially the same manner as it will affect all residents of the district or a significant segment of the residents of the district. (Regulation 18703, copy enclosed.)

Question 1: Decision by the board to construct the sewer line.

It is foreseeable that the decision by the board to construct the proposed sewer line will have an economic effect on Mr. Stickney's real property interest. That ability to connect to the new sewer system, albeit at some future date, should enhance the value of Mr. Stickney's property. Even if Mr. Stickney will not be able to connect to the new sewer pipe, if properties nearby will be able to connect to the new sewer line, it will enhance the value of such properties and will thus, indirectly affect the value of other properties in that general area. Without the ability to connect to the new sewer line, the value of those properties will be negatively affected, thus negatively affecting other properties in that general area. Therefore, it is reasonably foreseeable that the decision by the board to construct the new sewer line will have an economic effect on Mr. Stickney's real property interest.

If the decision to approve construction of the sewer line specifically includes a decision whether to permit Mr. Stickney's property to connect to the sewer line, subdivision (a)(2) of Regulation 18702.3 would apply to determine whether the effect of the decision is material. That subdivision provides that the effect of the decision is material if:

The decision involves construction of, or improvements to, streets, water, sewer, storm drainage or similar facilities, and the real

property in which the official has an interest will receive new or substantially improved services.

Regulation 18702.3(a)(2).

Thus, the effect of the decision whether to connect Mr. Stickney's property to the sewer line would be material.

Even if the decision to approve construction of the sewer line does not specifically include a decision whether to permit Mr. Stickney's property to connect to the proposed sewer line, the effect of the decision may be material.³ Construction of the sewer line to properties adjoining Mr. Stickney's property would enhance Mr. Stickney's ability to connect to the newly constructed sewer line. This ability to connect to the new sewer system, albeit at some future date, will have an indirect effect on the value of Mr. Stickney's property. In addition, as discussed above, the value of the surrounding properties will be affected by their ability to connect to the proposed sewer line. If the properties are unable to connect to a sewer system, their value will be depressed and this will depress the value of other properties in the vicinity.

Subdivision (c) of Regulation 18702.3 describes the standard to determine whether the effect of such a decision is material. It provides that where the decision does not involve a specific property which is the subject of a decision, but rather is more generalized, such as the construction of a sewer line, the effect of the decision is material if it meets the monetary standards in subdivisions (a)(3)(A) or (B) of Regulation 18702.3. Thus, the effect of a decision is material if the decision will have a financial effect of:

(A) Ten thousand dollars (\$10,000) or more on the fair market value of the real property in which the official has an interest; or

(B) Will affect the rental value of the property by \$1,000 or more per 12 month period.

Regulation 18702.3(a)(3)(A) and (B)).

You have indicated that Mr. Stickney believes the decision to construct the sewer line will have an effect of more than \$10,000 on the value of his property. Based on this information, we conclude that the effect of the decision is material.

³ This would include a decision which would permit or prohibit future connections to the proposed sewer line.

Accordingly, Mr. Stickney must disqualify himself from participating in the decision unless the decision affects Mr. Stickney's property in substantially the same manner as it affects all residents of the district or a significant segment of the residents of the district.

The proposed sewer line is expected to serve about 85 properties. In response to my questions about the number of properties in the vicinity that may be affected by the sewer line, you sent me a map showing the layout of the Rainbow Municipal Water District, and the proposed sewer line. You have shown a very small area on the map, designated as Rolling Hills, as the area that contains the properties which are expected to be served by the proposed sewer line. You have also indicated the location of Mr. Stickney's property on the map; it is located about 1200 feet from the proposed sewer line. It would appear that the effect on properties similarly situated (i.e., about 1200 feet from the boundaries of Rolling Hills) would be substantially similar to the effect on Mr. Stickney's property. This effect will be distinguishable from the effect on the public generally, within the meaning of Section 87103, unless the properties that are affected in substantially the same manner as Mr. Stickney's property are deemed to be a significant segment of the public. (Regulation 18703.)

In order to be considered a significant segment of the public, a group must be large in numbers and heterogeneous in quality. (In re Ferraro (1978) 4 FPPC Ops. 62; In re Legan (1985) 9 FPPC Ops. 1; copies enclosed.) The area containing the properties that may be affected in a manner similar to Mr. Stickney's property is so small when compared to the total area covered by the district that it cannot be deemed to be a significant segment of the public within the meaning of Regulation 18703.⁴ Therefore, the effect on Mr. Stickney's property is distinguishable from the effect on the public generally. Accordingly, Mr. Stickney must disqualify himself from participating in the decision by the board to construct the sewer line.

Question 2: Decision by the board to permit a private group to construct the sewer line and connect to the district's sewer line.

⁴ In a telephone conversation with you on Monday, February 12, 1990, I asked you about the number of properties contained in this area as compared to the total number of properties in the district. You indicated that you did not know the precise number of the properties involved, but you agreed that the number of properties that would be affected in a manner substantially similar to Mr. Stickney's property would not constitute a significant segment of the properties in the entire district.

The response would not be different if the decision is to permit a private group to construct the proposed sewer line and connect with the district's system at a point a mile away. Although the subject of the decision is different, the effect of the decision would be exactly the same on Mr. Stickney's property.

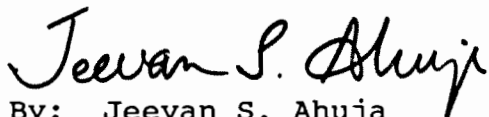
If the decision regarding construction of the private sewer line includes a decision to permit Mr. Stickney to connect with the proposed sewer line, Mr. Stickney's property will receive new sewer services. This effect is deemed material pursuant to Regulation 18702.3(a)(2).

Even if the decision does not raise the question of Mr. Stickney's ability to connect to the proposed sewer line, the private sewer line will affect the value of the properties that receive new or improved sewer services. This would enhance the value of the surrounding properties, including Mr. Stickney's property. In addition, as discussed above, Mr. Stickney's ability to connect to the new sewer line, albeit in the future, will enhance the value of his property. As noted above, the effect of a decision will be deemed material as to Mr. Stickney's property if it met the monetary standards in subdivision (a)(3)(A) (i.e., \$10,000 or more on the fair market value of the property). Mr. Stickney believes that the decision will have an effect of more than \$10,000 on the value of his property. Based on this information, we conclude that the effect of the decision is material. As discussed above, this effect will be distinguishable from the effect on the public generally. Therefore, Mr. Stickney must disqualify himself from participating in the decision to permit a private group to construct the sewer line and connect to the district's sewer line.

I trust this letter provides you with the guidance you requested. If you have any other questions regarding this matter, please contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel



By: Jeevan S. Ahuja
Counsel, Legal Division

KED:JSA:aa

Enclosures

CITY OF CALISTOGA

In Beautiful



Napa Valley

1232 WASHINGTON STREET • CALISTOGA, CALIFORNIA 94515 • (707) 942-5188

October 18, 1990

California Fair Political
Practices Commission
P.O. Box 807
Sacramento, CA 95814

RE: Request for formal advice

Dear FPPC Attorney:

Please consider this letter as a request for formal written advice pursuant to Government Code Section 83114 and Section 18329 of the Fair Political Practices Commission Administrative Regulations.

I am making this request as the City Administrator for Calistoga, on behalf of and as the authorized representative of Councilmember Maxfield of the City of Calistoga, whose mailing address is 1448 Fairway Vista, Calistoga, California.

ISSUE: Succinctly stated, does Councilmember Maxfield have a conflict of interest by participating in a governmental decision under the following circumstances?

FACTS: Councilmember Maxfield has an owner-interest in a 48 acre piece of property on a street called Silverado Trail. The ownership interest is in excess of \$100,000. Additionally, Mr. Maxfield also has a leasehold interest in a piece of property adjacent to a City parking lot. The value of his interest is between \$10,000 and \$100,000. Finally Mr. Maxfield has ownership interest in a piece of residential property, the value is in excess of \$100,000. Mr. Maxfield has a rental income in excess of \$10,000 each, from the Silverado Trail property and from the lease-hold property. Mr. Maxfield's interests are isolated to specific areas of the City of Calistoga.

In a recent informal advice letter dated, October 15, 1990, your Commission opined that based upon the financial interests of Councilmember Maxfield, there was a conflict of interest with his participation in the vote on the updated general plan.

There is presently a revised Resource Management System Ordinance (RMS) being proposed in the City of Calistoga. The RMS is designed to address the problems associated with limited water resources and limited sewer capacity in the City. It also establishes a formula to allocate equitably, the existing resources and capacity.

One of the issues of the RMS is the allocation of water for different uses, i.e. the proposal is to allocate 60 percent of the existing water for residential purposes and 40 percent for commercial purposes.

Another issue of the RMS is that it gives preference (in terms of water/sewer allocations) to low to moderate housing projects. The RMS also has a provision regarding phased developments for large projects.

Councilmember Maxfield's parcel is suitable for commercial use and is one of a very few parcels in the City which will be effected by the phasing of development provision.

The above referenced items are the two main issues which appear to warrant the need for an answer regarding potential conflict. The remainder of the RMS is primarily related to the function of the System and does not appear to pose any problems.

With that background in mind, the question is whether or not Councilmember Maxfield can participate in the decision making process regarding the RMS, or portions thereof, without being in conflict with the California Political Reform Act and specifically Section 87100 of the Government Code.

Enclosed herewith is the most recent draft of the RMS and the Mr. Maxfield's Form 721. The City is looking forward to having the RMS adopted in the very near future, thus, your immediate attention to this request would be most appreciated. We anticipate your response within 21 days.

Sincerely,



Natasha Merkuloff, Administrator
City of Calistoga

AF/hjb

Attachments

Date Received by FPPC

FORM 721

STATEMENT OF ECONOMIC INTERESTS

A Public Document

1989/90

PLEASE TYPE OR PRINT IN INK

IMPORTANT:
Statement must be date
stamped when received by
filing official

March 4, 1990 J.D.

NAME

Robert C. Maxfield

TELEPHONE NUMBER

(707) 942-4171

MAILING ADDRESS

1448 Fairway Vista Court,

Calistoga,

California

94515

STREET

CITY

ZIP CODE

OFFICE HELD OR SOUGHT (Check One):

☐ STATE OF CALIFORNIA OFFICE: _____

☐ JUDICIAL BRANCH

COUNTY: _____

COURT: _____

CHECK ONE:

☐ JUDGE

☐ COURT COMMISSIONER

☐ COUNTY OFFICE: _____

COUNTY: _____

☒ CITY OFFICE: _____

Council Member

CITY: _____

Calistoga

TYPE OF STATEMENT (Check the Appropriate Box(es)):

☐ ASSUMING OFFICE STATEMENT

(For Newly-Elected and Newly-Appointed Officials ONLY)*

☐ ELECTED OFFICIAL (Other than elected state officers assuming office in December or January). File no later than 30 days after assuming office.

Date Assumed Office _____

mo. day yr

☐ APPOINTED OFFICIAL Not subject to confirmation by the State Senate or the Commission on Judicial Appointments. File no later than 10 days after assuming office.

Date Assumed Office _____

mo. day yr

☐ APPOINTED OFFICIAL Subject to confirmation by the State Senate or the Commission on Judicial Appointments. File no later than 10 days after appointment or nomination.

Date Appointed _____

mo. day yr

☒ ANNUAL STATEMENT

State officials and all judges and court commissioners file between January 1 and March 1. City and county officials file between January 1 and April 1.

PERIOD COVERED: Disclose all reportable interests held or received during the period from January 1, 1989 through December 31, 1989.

☐ LEAVING OFFICE STATEMENT

File no later than 30 days after leaving office. The period covered is January 1, 19____, through the date of leaving office which was:

mo. day yr

☐ CANDIDATE STATEMENT

File no later than the final filing date for your declaration of candidacy.

SCHEDULES TO BE COMPLETED

Complete Schedules A, B, C-1 and C-2 disclosing investments and interests in real property held on the date of assuming office. In addition, on Schedules D, E, F, G and H-1 through H-3, report income received during the 12 months prior to the date you assumed office.

Complete Schedules A, B, C-1 and C-2 disclosing investments and interests in real property held on the date of assuming office. In addition, on Schedules D, E, F, G and H-1 through H-3, report income received during the 12 months prior to the date you assumed office.

Complete Schedules A, B, C-1 and C-2 disclosing investments and interests in real property held on the date of filing. In addition, on Schedules D, E, F, G and H-1 through H-3, report income received during the 12 months prior to the date you assumed office.

Complete all schedules disclosing investments and interests in real property held and income received at any time during the period covered by the statement.

Complete all schedules disclosing investments and interests in real property held and income received at any time during the period covered by the statement.

Complete Schedules A, B, C-1 and C-2 disclosing investments and interests in real property held on the date of filing.

*INCUMBENT OFFICEHOLDERS WHO ARE RE-ELECTED OR RE-APPOINTED WITHOUT A BREAK IN SERVICE SHOULD NOT COMPLETE AN ASSUMING OFFICE STATEMENT.

NAME Robert C. Maxfield

The Following Summary Must Be Completed By All Filers

DO NOT COMPLETE THIS SUMMARY PAGE UNTIL YOU HAVE CAREFULLY
REVIEWED ALL SCHEDULES AND THE INSTRUCTIONS FOR EACH SCHEDULE.

	SCHEDULE COMPLETED AND ATTACHED	NO REPORTABLE INTERESTS
Schedule A - INVESTMENTS (Which Are <u>Not</u> Held Through A Business Entity Or Trust)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schedule B - INTERESTS IN REAL PROPERTY (Which Are <u>Not</u> Held Through A Business Entity Or Trust)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schedule C-1 - INTERESTS IN REAL PROPERTY HELD BY A BUSINESS ENTITY OR TRUST	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule C-2 - INVESTMENTS HELD BY A BUSINESS ENTITY OR TRUST	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule D - INCOME (Other Than Loans, Gifts And Honoraria)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schedule E - LOANS (Received Or Outstanding During The Reporting Period)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schedule F - GIFTS	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule G - HONORARIA	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule H - COMMISSION INCOME, INCOME AND LOANS TO BUSINESS ENTITIES OR TRUSTS AND INCOME FROM RENTAL PROPERTY	<input checked="" type="checkbox"/>	<input type="checkbox"/>

NOTE: AFTER THE SUMMARY PAGE HAS BEEN COMPLETED, PLEASE DISCARD THOSE SCHEDULES ON WHICH
YOU HAVE NO REPORTABLE INTERESTS.

VERIFICATION

I have used all reasonable diligence in preparing this statement. I have reviewed the statement and to the best of
my knowledge the information contained herein and in the attached schedules is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 14th, 1990, 19 , at Calistoga, California
(month, day) (year) (city and state)

SIGNATURE

Robert C. Maxfield

Schedule A -- Investments
(Which Are Not Held By A Business Entity Or Trust)

(SEE PAGES 14 & 15 OF THE INFORMATION MANUAL FOR INSTRUCTIONS AND EXAMPLES)

NAME OF BUSINESS ENTITY PSAR Systems, Inc.		VALUE <input type="checkbox"/> \$1,000-\$10,000 <input type="checkbox"/> \$10,001-\$100,000 <input checked="" type="checkbox"/> Over \$100,000
NATURE OF INVESTMENT, E.G., COMMON STOCK, PARTNERSHIP INTEREST Common Stock	If Acquired Or Disposed During The Reporting Period You Must Indicate Month, Day And Year: Date Acquired: _____ Date Disposed: _____	Ownership Interest <input type="checkbox"/> Less than 10% <input checked="" type="checkbox"/> 10% or greater*
GENERAL DESCRIPTION OF BUSINESS ACTIVITY Residential Property Analysis		

NAME OF BUSINESS ENTITY		VALUE <input type="checkbox"/> \$1,000-\$10,000 <input type="checkbox"/> \$10,001-\$100,000 <input type="checkbox"/> Over \$100,000
NATURE OF INVESTMENT, E.G., COMMON STOCK, PARTNERSHIP INTEREST	If Acquired Or Disposed During The Reporting Period You Must Indicate Month, Day And Year: Date Acquired: _____ Date Disposed: _____	Ownership Interest <input type="checkbox"/> Less than 10% <input type="checkbox"/> 10% or greater*
GENERAL DESCRIPTION OF BUSINESS ACTIVITY		

NAME OF BUSINESS ENTITY		VALUE <input type="checkbox"/> \$1,000-\$10,000 <input type="checkbox"/> \$10,001-\$100,000 <input type="checkbox"/> Over \$100,000
NATURE OF INVESTMENT, E.G., COMMON STOCK, PARTNERSHIP INTEREST	If Acquired Or Disposed During The Reporting Period You Must Indicate Month, Day And Year: Date Acquired: _____ Date Disposed: _____	Ownership Interest <input type="checkbox"/> Less than 10% <input type="checkbox"/> 10% or greater*
GENERAL DESCRIPTION OF BUSINESS ACTIVITY		

NAME OF BUSINESS ENTITY		VALUE <input type="checkbox"/> \$1,000-\$10,000 <input type="checkbox"/> \$10,001-\$100,000 <input type="checkbox"/> Over \$100,000
NATURE OF INVESTMENT, E.G., COMMON STOCK, PARTNERSHIP INTEREST	If Acquired Or Disposed During The Reporting Period You Must Indicate Month, Day And Year: Date Acquired: _____ Date Disposed: _____	Ownership Interest <input type="checkbox"/> Less than 10% <input type="checkbox"/> 10% or greater*
GENERAL DESCRIPTION OF BUSINESS ACTIVITY		

NOTE: YOU MAY BE REQUIRED TO REPORT ON SCHEDULE D ANY SALARY, COMMISSION, DISTRIBUTION OR OTHER INCOME (\$250 OR MORE) RECEIVED BY YOU OR YOUR SPOUSE FROM ANY BUSINESS ENTITY LISTED ON SCHEDULE A.

* If you have checked this box, you must report on Schedules C-1 and C-2 any interests in real property and investments held by the business entity. In addition, if your pro rata share of the gross income from any one source was \$10,000 or more, you may be required to report the name of that source on Schedule H-2.

☐ If additional space is needed, check box and attach an additional Schedule A.

NAME Robert C. Maxfield

Schedule B -- Interests In Real Property
(Which Are Not Held By A Business Entity Or Trust)
(SEE PAGES 16 AND 17 OF THE INFORMATION MANUAL FOR
INSTRUCTIONS AND EXAMPLES)

STREET ADDRESS OR PRECISE LOCATION OF PROPERTY Silverado Trail, APN 11-050-26		CITY Calistoga	FAIR <input type="checkbox"/> \$1,000-\$10,000 MARKET <input type="checkbox"/> \$10,001-\$100,000 VALUE <input checked="" type="checkbox"/> Over \$100,000
NATURE OF INTEREST, E.G., OPTION, OWNERSHIP, LEASEHOLD, DEED OF TRUST Ownership			
If Acquired Or Disposed During The Reporting Period You Must Indicate Month, Day And Year:	Date Acquired: _____ Date Disposed: _____	If Rental Property, Ownership Interest Is	<input type="checkbox"/> Less than 10% <input type="checkbox"/> 10% or greater*
STREET ADDRESS OR PRECISE LOCATION OF PROPERTY 1458 Lincoln Avenue		CITY Calistoga	FAIR <input type="checkbox"/> \$1,000-\$10,000 MARKET <input checked="" type="checkbox"/> \$10,001-\$100,000 VALUE <input type="checkbox"/> Over \$100,000
NATURE OF INTEREST, E.G., OPTION, OWNERSHIP, LEASEHOLD, DEED OF TRUST Leasehold Estate			
If Acquired Or Disposed During The Reporting Period You Must Indicate Month, Day And Year:	Date Acquired: _____ Date Disposed: _____	If Rental Property, Ownership Interest Is	<input type="checkbox"/> Less than 10% <input type="checkbox"/> 10% or greater*
STREET ADDRESS OR PRECISE LOCATION OF PROPERTY 1137 Mitzi Drive		CITY Calistoga	FAIR <input type="checkbox"/> \$1,000-\$10,000 MARKET <input type="checkbox"/> \$10,001-\$100,000 VALUE <input checked="" type="checkbox"/> Over \$100,000
NATURE OF INTEREST, E.G., OPTION, OWNERSHIP, LEASEHOLD, DEED OF TRUST Ownership			
If Acquired Or Disposed During The Reporting Period You Must Indicate Month, Day And Year:	Date Acquired: _____ Date Disposed: Dec. 89	If Rental Property, Ownership Interest Is	<input type="checkbox"/> Less than 10% <input type="checkbox"/> 10% or greater*
STREET ADDRESS OR PRECISE LOCATION OF PROPERTY 1448 Fairway Vista Court		CITY Calistoga	FAIR <input type="checkbox"/> \$1,000-\$10,000 MARKET <input type="checkbox"/> \$10,001-\$100,000 VALUE <input checked="" type="checkbox"/> Over \$100,000
NATURE OF INTEREST, E.G., OPTION, OWNERSHIP, LEASEHOLD, DEED OF TRUST Ownership			
If Acquired Or Disposed During The Reporting Period You Must Indicate Month, Day And Year:	Date Acquired: Dec. 89 Date Disposed: _____	If Rental Property, Ownership Interest Is	<input type="checkbox"/> Less than 10% <input type="checkbox"/> 10% or greater*

NOTE: You may be required to report on Schedule D Income (\$250 or more) received by you or your spouse from rental property listed on Schedule B.

*If you have a 10% or greater interest in a rental property, you may have additional reporting requirements on Schedule H-3.

☐ If additional space is needed, check box and attach an additional Schedule B.

NAME Robert C. Maxfield

Schedule D -- Income
(Other Than Loans, Gifts And Honoraria)

(SEE PAGES 20 AND 21 OF THE INFORMATION MANUAL
 FOR INSTRUCTIONS AND EXAMPLES)

IDENTIFY EACH SOURCE OF INCOME:

GROSS INCOME RECEIVED:

NAME PSAR Systems, Inc.	<input type="checkbox"/> \$250 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input checked="" type="checkbox"/> Over \$10,000
ADDRESS 1448 Fairway Vista Court	
BUSINESS ACTIVITY, IF ANY Residential Property Analysis	
DESCRIPTION OF THE CONSIDERATION FOR WHICH INCOME WAS RECEIVED Salary as President	
NAME Silverado Trail Property APN 11-050-26	<input type="checkbox"/> \$250 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input checked="" type="checkbox"/> Over \$10,000
ADDRESS Silverado Trail at Brannan Street	
BUSINESS ACTIVITY, IF ANY None	
DESCRIPTION OF THE CONSIDERATION FOR WHICH INCOME WAS RECEIVED Option and/or Contract Purchase Fees	
NAME	<input type="checkbox"/> \$250 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input type="checkbox"/> Over \$10,000
ADDRESS	
BUSINESS ACTIVITY, IF ANY	
DESCRIPTION OF THE CONSIDERATION FOR WHICH INCOME WAS RECEIVED	
NAME	<input type="checkbox"/> \$250 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input type="checkbox"/> Over \$10,000
ADDRESS	
BUSINESS ACTIVITY, IF ANY	
DESCRIPTION OF THE CONSIDERATION FOR WHICH INCOME WAS RECEIVED	

☐ If additional space is needed, check box and attach an additional Schedule D.

NAME Robert C. Maxfield

Schedule E -- Loans
(Received or Outstanding During the Reporting Period)

(SEE PAGES 22 AND 23 OF THE INFORMATION MANUAL FOR INSTRUCTIONS AND EXAMPLES)

IDENTIFY EACH LENDER:**AMOUNT OF HIGHEST BALANCE
DURING THE REPORTING PERIOD:**

NAME Citicorp Savings		<input type="checkbox"/> \$250 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input checked="" type="checkbox"/> Over \$10,000
ADDRESS 1317 Lincoln Avenue, Calistoga		
BUSINESS ACTIVITY, IF ANY Savings & Loan Assn.	WAS THE ENTIRE LOAN REPAYED DURING THE REPORTING PERIOD? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
SPECIFIC SECURITY FOR LOAN INCLUDING GUARANTOR (If Real Property, Provide Address) Deed of Trust on my new Residence <input type="checkbox"/> NONE		INTEREST RATE 10.5% <input type="checkbox"/> NONE
NAME		<input type="checkbox"/> \$250 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input type="checkbox"/> Over \$10,000
ADDRESS		
BUSINESS ACTIVITY, IF ANY	WAS THE ENTIRE LOAN REPAYED DURING THE REPORTING PERIOD? <input type="checkbox"/> YES <input type="checkbox"/> NO	
SPECIFIC SECURITY FOR LOAN INCLUDING GUARANTOR (If Real Property, Provide Address) <input type="checkbox"/> NONE		INTEREST RATE <input type="checkbox"/> NONE
NAME		<input type="checkbox"/> \$250 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input type="checkbox"/> Over \$10,000
ADDRESS		
BUSINESS ACTIVITY, IF ANY	WAS THE ENTIRE LOAN REPAYED DURING THE REPORTING PERIOD? <input type="checkbox"/> YES <input type="checkbox"/> NO	
SPECIFIC SECURITY FOR LOAN INCLUDING GUARANTOR (If Real Property, Provide Address) <input type="checkbox"/> NONE		INTEREST RATE <input type="checkbox"/> NONE
NAME		<input type="checkbox"/> \$250 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input type="checkbox"/> Over \$10,000
ADDRESS		
BUSINESS ACTIVITY, IF ANY	WAS THE ENTIRE LOAN REPAYED DURING THE REPORTING PERIOD? <input type="checkbox"/> YES <input type="checkbox"/> NO	
SPECIFIC SECURITY FOR LOAN INCLUDING GUARANTOR (If Real Property, Provide Address) <input type="checkbox"/> NONE		INTEREST RATE <input type="checkbox"/> NONE

☐ If additional space is needed, check box and attach an additional Schedule E.

NAME Robert C. Maxfield**Schedule H**

(SEE PAGES 27 THROUGH 29 OF THE INFORMATION MANUAL FOR INSTRUCTIONS AND EXAMPLES)

Schedule H-1**Commission Income Received By Brokers, Agents And Salespersons**

NAME OF BUSINESS ENTITY	
NAMES OF SOURCES OF INCOME	

Schedule H-2**Income And Loans To A Business Entity Or Trust**

NAME OF BUSINESS ENTITY OR TRUST PSAR Systems, Inc.	ADDRESS OF BUSINESS ENTITY OR TRUST 1448 Fairway Vista Court, Calistoga
ACTIVITY OF BUSINESS ENTITY Residential Property Analysis	
NAMES OF SOURCES OF INCOME AND LOANS TO THE BUSINESS ENTITY OR TRUST	
Loan to Company from personal assets of	
Robert C. Maxfield.	

Schedule H-3**Income From Rental Property**

You must disclose the name(s) of any renter(s) who made rent payments, provided that your pro rata share of such receipts from any one renter was \$10,000 or more.

ADDRESS OF RENTAL PROPERTY 1448 Lincoln Avenue	CITY Calistoga
NAMES OF RENTERS Adellas Yarn Shop	
ADDRESS OF RENTAL PROPERTY	CITY
NAMES OF RENTERS	

☐ If additional space is needed, check box and attach additional schedules.



California Fair Political Practices Commission

July 10, 1990

Robert Maxfield
City Council Member
City of Calistoga
1448 Fairway Vista Court
Calistoga, CA 94515

Re: Statement of Economic Interests
Type of Statement: Annual
Date Filed: March 14, 1990

Dear Mr. Maxfield:

The Fair Political Practices Commission received your statement of economic interests. It appears that your statement does not conform with the filing requirements of the Political Reform Act in the following respects:

On **Schedule H-3-Income from Rental Property**, you reported receiving rental income of \$10,000 or more from Adellas Yarn Shop. Rental income of \$250 or more must also be reported on Schedule D-Income.

The enclosed supplemental schedule(s) should be completed within 20 days and returned to your agency's filing official who will retain a copy and forward the original to the Fair Political Practices Commission.

Please note that our review of your statement does not constitute an in-depth audit and your compliance with this request for supplemental information or correction does not relieve you of your responsibility for the overall accuracy and completeness of your statement as required by law.

If you have any questions regarding this letter, please contact me at (916) 322-5662.

Sincerely,

Colleen McGee
Political Reform Consultant

A handwritten signature in cursive script, reading "Lynne Martin", is positioned above the typed name.

by: Lynne Martin
Legal Documents Examiner
Technical Assistance and
Analysis Division

Enclosures
pc: City Clerk

NAME Robert C. Maxfield
CITY, COUNTY OR AGENCY Council Member, Calistoga
PERIOD COVERED Annual Statement Filed 3/14/90,

IMPORTANT:
Statement must be date stamped
when received

July 12th, 1990

AMENDMENT - Schedule D -- Income
(Other Than Loans And Gifts)

IDENTIFY EACH SOURCE OF INCOME:

GROSS INCOME RECEIVED:

NAME PSAR Systems, Inc.	<input type="checkbox"/> \$250 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input checked="" type="checkbox"/> Over \$10,000
ADDRESS 1448 Fairway Vista Court, Calistoga	
BUSINESS ACTIVITY, IF ANY Real Property Anaylst	
DESCRIPTION OF THE CONSIDERATION FOR WHICH INCOME WAS RECEIVED President	
NAME Adelas Yarn Shop	<input type="checkbox"/> \$250 - \$1,000 <input checked="" type="checkbox"/> \$1,001 - \$10,000 <input type="checkbox"/> Over \$10,000
ADDRESS 1458 Lincoln Avenue, Calistoga	
BUSINESS ACTIVITY, IF ANY Retail Yarn Shop	
DESCRIPTION OF THE CONSIDERATION FOR WHICH INCOME WAS RECEIVED Rent	

VERIFICATION

I have used all reasonable diligence in preparing this statement. I have reviewed the statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 12th, 19 90, at Calistoga, California
(Date) (Year) (City and State)

SIGNATURE *R. C. Maxfield*

☐ If additional space is needed, check box and attach an additional Schedule D.

NOTE: The rent from the Yarn Shop was reported in error on Schedule H-3. The gross rent is \$550.00 per month, and the Land Lease Payment is \$200.00 per month. The actual gross rent from this property to me is \$350.00 per month or \$4,200 annually.

Sorry for the Error. *R. C. Maxfield*

(12/89)



California Fair Political Practices Commission

October 30, 1990

Natasha Merkuloff
City of Calistoga
1232 Washington Street
Calistoga, CA 94515

Re: Letter No. 90-675

Dear Ms. Merkuloff:

Your letter requesting advice under the Political Reform Act was received on October 29, 1990 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Deanne Stone, an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Scott Hallabrin
Acting General Counsel

SH:jl